

### **MOTION FEES MCR 2.119(G)**

Motion Fees are required on all civil cases, including small claims, landlord tenant, and other summary proceedings, except civil infractions. *MCL 600.880b(1), 600.2529(e), 600.8371(10)*

<b>Application of Motion Fee</b>		
<b>Type of Filing</b>	<b>Fee Required</b>	<b>Comments</b>
Motion for Alternate Service	YES	This is a motion that is filed with the court asking for the court to perform or direct an act in favor of the applicant. <i>MCR 2.119(G)(1)</i>
Motion for Appointment of Process Server for Seizure or Eviction under special circumstances	YES	This is a motion that is filed with the court asking for the court to perform or direct an act in favor of the applicant. <i>MCR 2.119(G)(1)</i>
Motion to Amend Complaint	YES	Although an actual order may not be signed, it is a motion that is filed with the court which asks that the court or judge rule in favor of an action that is being requested by the applicant. <i>MCR 2.119(G)(1)</i>
Motion for Second Summons	YES	This is a motion that is filed with the court asking for the court to perform or direct an act in favor of the applicant. <i>MCR 2.119(G)(1)</i>
Demand for Removal	NO	This is a right that a party is entitled to seek rather than a request for relief.
Motion to Renew Judgment	YES	This is a motion that is filed with the court asking for the court to perform or direct an act in favor of the applicant. <i>MCR 2.119(G)(1)</i>
Motion and Order to Show Cause	YES	This is a motion that is filed with the court asking that an act be performed and requesting a hearing to require compliance with a previously filed order. The applicant is asking that an act be performed and directed in his/her favor. <i>MCR 2.119(G)(1)</i>
Motion for Entry of Default Judgment (Not Sum Certain)	YES	If a Motion for Entry of Default Judgment is filed where there is no sum certain and a hearing must be held, then a motion fee would be collected. <i>MCR 2.603(B)(3), 2.119(G)(1)</i>
Default Judgment (Sum Certain)	NO	As long as a default judgment is being entered as a clerical or administrative function, there is no motion fee. <i>MCR 2.603(2)</i>
Petition for Installment Payments	MAYBE	If a motion is made orally, on the record, then NO. If a petition is filed with the court, then YES. <i>MCR 2.119(G)(1)</i>
Installment Payment Order within a Judgment	NO	This is not a motion.

Application of Motion Fee		
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Objections to Installment Payments	NO	The motion fee has already been paid and this is merely an objection to entry of the proposed order. <i>MCR 2.119(G)(3)(b)</i>
Petition to Set Aside Installment Payments	YES	This is a motion that is filed with the court asking for the court to perform or direct an act in favor of the applicant. <i>MCR 2.119(G)(1)</i>
Motion for Release from Garnishment	YES	This is a motion by defendant asking for an order to release defendant from garnishment. This is similar to a Motion to Set Aside. <i>MCR 2.119(G)(1)</i>
Garnishment Release	NO	There is no motion being filed. A plaintiff is merely releasing a defendant from further liability. This is along the same lines as a voluntary dismissal. <i>MCR 2.119(G)(1)</i>
Objections to Garnishment	NO	The motion fee has already been paid and this is merely an objection to entry of the proposed order. <i>MCR 2.119(G)(3)(b)</i>
Motion for Dismissal	YES	This is a motion filed with the court asking that an act be performed and directed in favor of the applicant. <i>MCR 2.119(G)(1)</i>
Voluntary Dismissal	NO	The plaintiff is voluntarily dismissing the case of his or her own accord. No act need be performed by the court or judge in favor of the applicant.
Motion to Set Aside	YES	This is a motion that is filed with the court asking for the court to perform or direct an act in favor of the applicant. <i>MCR 2.119(G)(1)</i>
Objections to Entry of Order under MCR 2.602(B)	NO	The motion fee has already been paid and this is merely an objection to entry of the proposed order. <i>MCR 2.119(G)(3)(b)</i>
Satisfaction of Judgment	NO	This is not a motion or request for an order of the court.
Motion for Suspension or Waiver of Fees for Indigency	NO	<i>MCR 2.002 and 2.119(G)(3)(c)</i>
Abstract of Unsatisfied Judgment for Secretary of State	NO	This is not an order of the court.
Application for Certification	NO	Although there is a request for the court to perform an action, it is merely the court certifying that the record is true and accurate. It does not result in an action directed in favor of the applicant. It is merely for the purpose of certifying a true and accurate record to the appellate court for purposes of appeal.

Application of Motion Fee		
Type of Filing	Fee Required	Comments
Stipulation and Order	NO	A motion fee may not be charged for entry of an uncontested order. <i>MCR 2.119(D); MCR 2.119(G)(3)(e)</i>
Consent Judgment	NO	A fee may not be collected on an uncontested order. <i>MCR 2.119(D) and (G)(3)(e)</i>
Petition and Bench Warrant	NO	These are either criminal or quasi-criminal in nature. This applies to petitions and bench warrants in both criminal and civil cases. <i>MCR 2.119(G)(3)(a)</i>
Writ of Restitution, Garnishment, Execution	NO	Fee established by statute. No additional motion fee allowed. <i>MCR 2.119(3)(d)</i>
Judgment Debtor Discovery Subpoena	NO	Fee established by statute. No additional motion fee allowed. <i>MCR 2.119(3)(d)</i>

### **DEFINITIONS**

***Pending Action*** – Any case that has one or more unresolved issues, including if they are post-judgment, that requires any action by the court or judge and is in the process of settlement or adjustment of those issues. The only actions that are not considered pending are closed cases with no post-judgment activity, and those that contain an order granting a stay on the entire case (i.e. bankruptcy).

***Motion*** – Any application by any name (i.e. motion, petition, application, request, etc.) that is made to the court or judge for the purpose of obtaining a rule, order or act to be directed in favor of the applicant. *MCR 2.119(G)(1)*

***Taxable as Costs --*** Motion fees may be taxable as costs to a party.

SCAO  
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